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HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :21947 of 2006

DATED:06-12-2006

Between:

G.Venkata Subba Reddy

..... PETITIONER

AND

1 The Principal, Andhra Pradesh Social Welfare Gurukula Pathasala, Madakalavaripalle, Gopavaram Mandal, Kadapa District and another.

.....RESPONDENTS

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ORDER:

In this writ petition, the petitioner seeks a direction by way of mandamus to the first respondent to allow him to discharge his duties as Physical Education Teacher.

It is the case of the petitioner that he was appointed in 2002 as a Physical Education Teacher in the A.P. Social Welfare School for Girls at Madakalavaripalle, Kadapa District, and since then he

continued as such, but however, without passing any order, basing on the oral instructions, he was prevented to discharge his duties. In the counter-affidavit filed on behalf of the respondents it is stated that he was appointed by the Principal of the school to take physical education classes on part-time basis for limited hours. It is also stated that in view of the fact that no regular incumbent was posted in the vacant post, this arrangement was made as a stop gap arrangement by the Principal. It is also further stated that the petitioner is aged about 40 years and as per the guidelines framed by the society no male teacher can be posted in the girls school.

Even according to the petitioner he has not been given any appointment order. He is not appointed to a post of Physical Director by the respondents by following the procedure known to law. His appointment as a part-time basis is on his own application as a stop gap arrangement. In that view of the matter, in the absence of any regular appointment to the post, the petitioner cannot seek any direction for his continuance. Hence, I do not find any ground in the writ petition for grant of direction as prayed for.

However, it is made clear that, if any vacancies of Physical Directors are notified, the claim of the petitioner shall be considered keeping in mind the past record rendered by him.

Subject to above, the writ petition is disposed of. No order as

to costs.

06th December, 2006

SKM